

PERRY HOFFMAN & ASSOCIATES, P.C.

JUN 19 PM 3:47

US PATENT & TRADEMARK
OFFICE

108 WILMOT ROAD, SUITE 330

DEERFIELD, IL 60015

TELEPHONE: 847 809 4285

CELLULAR: 847 867 2763

FACSIMILE: 847 607 0580

E-MAIL: PHOFFMAN@WEDOIDP.COM

June 14, 2006

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

RE: REQUEST FOR A REFUND \$ 1.26 Refunds

Appl. No. : 10/773,927

Confirmation No.: 7395

Applicant: MADDOCKS, et al.

Filed : February 25, 2000

Title : M+A FOR ATTACHING PLUSH TO AN ARTIFICIAL EYE

TC/A.U.: 3711

Examiner: Cegielnik, Urszula M

Docket No.: 090455-9577

The Director is respectfully requested to refund \$1,240.00 fees paid out of Deposit Account No. 50-3286 by mistake and due to Examiner error. (Please See Enclosed). Applicant's representative was informed that the Final Rejection mailed on 10/25/05 was in error, which resulted in Applicant's mailing 6 months thereafter of an RCE on 4/25/06. Though attempts were made by the Examiner to mail out a non-final action, the action was never mailed. A subsequent Non-final Office Action was finally mailed on 5/11/06 (more than 6 months after mailing of the Final). Thereafter the RCE was withdrawn by the Examiner's SPE. Applicant's representative had requested several times prior to the filing of the RCE for withdrawal of the Final Action. Accordingly, Applicant rightfully requests a refund of the account, based on Patent Office error; the Examiner's withdrawal of the RCE, and replacement of Final Office Action with Non-Final wholly due to USPTO Error.

Please contact me regarding any further information required.

Sincerely,



Perry J. Hoffman, Reg# 37,150

Encl. (Examiner Interview Summary, Continuation Sheet (PTOL-413), and Deposit Account Statement)

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Interview Summary	Application No.	Applicant(s)	
	10/773,927	MADDOCKS ET AL.	
	Examiner	Art Unit	
	Derris H. Banks	3725	

All participants (applicant, applicant's representative, PTO personnel):

(1) Derris H. Banks. (3) _____

(2) Perry Hoffman. (4) _____

Date of Interview: 15 May 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: All.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

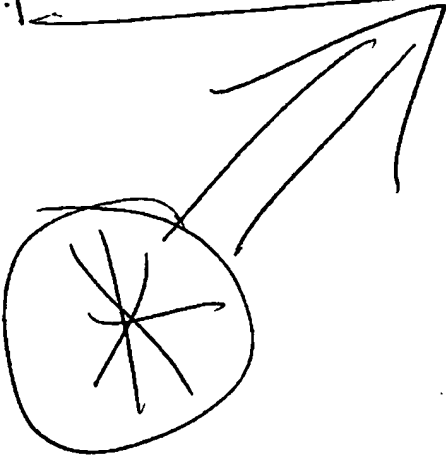
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700


Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative was informed that the Final Rejection mailed on 10/25/05 was in error, which resulted in applicant's mailing of an RCE on 4/25/06. Applicant's representative requested several times prior to the filing of the RCE withdrawal of the Final Action. Though attempts were made by the examiner to mail out a non-final action, the action never made it mail. A subsequent Non-final Office Action was finally mailed on 5/11/06. Applicant rightfully so has requested a refund of the account, based on the Examiner's withdrawal of the Final Office Action.





**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: April 2006
 Deposit Account Number: 503286
 Name: PERRY HOFFMAN & ASSOCIATES
 Attention: PERRY HOFFMAN
 Address: P O BOX 1649
 City: DEERFIELD
 State: IL
 Zip: 60015
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/10	27	E-REPLENISHMENT		9203	-\$6,000.00	\$7,332.00
04/12	59	11400954	1-118	1011	\$300.00	\$7,032.00
04/12	60	11400954	1-118	1111	\$500.00	\$6,532.00
04/12	61	11400954	1-118	1311	\$200.00	\$6,332.00
04/12	62	11400953	1-100	1011	\$300.00	\$6,032.00
04/12	63	11400953	1-100	1111	\$500.00	\$5,532.00
04/12	64	11400953	1-100	1311	\$200.00	\$5,332.00
04/13	39	11401584	1-138	1011	\$300.00	\$5,032.00
04/13	40	11401584	1-138	1111	\$500.00	\$4,532.00
04/13	41	11401584	1-138	1311	\$200.00	\$4,332.00
04/17	177	11401584	1-138	8021	\$40.00	\$4,292.00
04/18	38	11400953	1-100	8021	\$40.00	\$4,252.00
04/18	39	11400954	1-118	8021	\$40.00	\$4,212.00
04/18	337	PCT/US06/13467	1-067.PCT	1601	\$300.00	\$3,912.00
04/18	338	PCT/US06/13467	1-067.PCT	1602	\$1,000.00	\$2,912.00
04/18	339	PCT/US06/13467	1-067.PCT	1702	\$1,086.00	\$1,826.00
04/18	340	PCT/US06/13467	1-067.PCT	1703	\$372.00	\$1,454.00
04/18	341	PCT/US06/13467	1-067.PCT	8007	\$20.00	\$1,434.00
04/26	19	10773927	090455-9577	1801	\$790.00	\$644.00
04/26	20	10773927	090455-9577	1252	\$450.00	\$194.00
04/26	42	E-REPLENISHMENT		9203	-\$3,000.00	\$3,194.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$1,332.00	\$7,138.00	\$9,000.00	\$3,194.00

APR 25 2006

AMENDMENT

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,927
Confirmation No. : 7395
Applicant : Richard Maddocks, et al.

Filed : February 6, 2004
Title : M+A FOR ATTACHING PLUSH TO
AN ARTIFICIAL EYE

TC/A.U. : 3711
Examiner : Cegielnik, Urszula M

Docket No. : Changed to 1-009

I, Perry J. Hoffman, hereby certify that this correspondence is being transmitted by facsimile to the USPTO (571) 273-8300 to the attention of Mail Stop, RCE, Commissioner for Patents, and for Examiner Urszula M. Cegielnik on the date indicated below.

Signature: 

Date of Signature: April 25, 2006

PRELIMINARY AMENDMENT PURSUANT TO RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

[X] **AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES:** If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of any required Extension of time fees under 37 CFR 1.136 and/or 1.17, or issue fees), they may be paid out of our deposit account No. 50-3286. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment. (20 Total and 4 Independent Claims were previously paid for, and thus no additional claim fees are due.)

Dear Sir or Madam:

In response to the Advisory Action of March 7, 2006 and the Request for Continued Examination (RCE) transmitted herewith, please enter the following Preliminary Amendment in the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. (20 Total and 4 Independent Claims were previously paid for, and thus no additional claim fees are due.)

Remarks begin on page 8 of this paper.

~~04/26/2006 JBALINAN 00000018 503286 10773927~~
~~FC:1252 450.00 DA~~

Adjustment date: 07/05/2006 SFELEKE1
04/26/2006 JBALINAN 00000018 503286 10773927
02 FC:1252 450.00 CR

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APR 25 2006

PTO/SB/30 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/773,927
Filing Date	February 6, 2004
First Named Inventor	Richard Maddocks
Art Unit	3711
Examiner Name	CEGIELNIK, URSZULA M
Attorney Docket Number	1-009 (previously 090455-9577)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other Examiner never considered Amendment dated December 24, 2004 despite communication
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Preliminary Amend't Transmitted herewith
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-3286. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) \$ 450 for 2 months extension.
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<u>Perry J. Hoffman</u>	Date	April 25, 2006
Name (Print/Type)	Perry J. Hoffman	Registration No.	37,150

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Perry J. Hoffman</u>	Date	April 25, 2006
Name (Print/Type)	Perry J. Hoffman		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/26/2006 JBALINAH 00000018 503286 10773927
01 FC:1801 790.00 CR

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